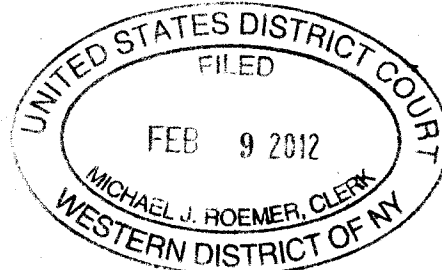


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



6:10-cv-06702-DGL-JWF

-----X
LUCY AMADOR, *et al.*,

Plaintiffs,

-against-

SUPERINTENDENT OF THE DEPARTMENT
OF CORRECTIONAL SERVICES ("DOCS")
ANGINELL ANDREWS, *et al.*,

Defendants.
-----X

STIPULATION AND
[PROPOSED] ORDER

Plaintiffs Lucy Tasama (formerly Lucy Amador) and Bette Jean McDonald, along with
Defendants Robert L. Smith and John E. Gilbert, III stipulate and agree that:

(1) the claims of Plaintiff Tasama (formerly Lucy Amador) against Defendants Smith and
Michael Galbreath shall be severed from the claims of Plaintiff McDonald against Defendant
Gilbert for purposes of trial;

(2) the claims of Plaintiff Tasama (formerly Lucy Amador) against Defendant Smith shall
be severed from her claims against Defendant Galbreath for purposes of trial; and

(3) with respect to Defendant Smith, Plaintiff Tasama (formerly Lucy Amador) meets the
requirements of Fed. R. Evid. 804, is stipulated to be an unavailable witness and shall be granted
permission to present her prior, video-taped deposition testimony—subject to resolution of
objections—at trial in lieu of live testimony.

[signature page follows]

Dated: New York, New York
January 26, 2012

By: 

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McDonald*

Dated:  New York

January 27, 2012

*Nassau County
New York*

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Dated: 2/9/12 New YorkJanuary 2012By: 

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Attorney for Defendant John E. Gilbert, III

SO ORDERED:

Dated: New York, New York
January 26, 2012

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Dated: January 27, New York

January 27, 2012

*Niagara County
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Dated: _____, New York
January ___, 2012

By: _____

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SO ORDERED:

